

FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NUMBER <b>4450-12</b>
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)  <b>10/528,156</b>
INTERNATIONAL APPLICATION NO. <b>PCT/NZ2003/000210</b>	INTERNATIONAL FILING DATE <b>17 September 2003</b>	PRIORITY DATE CLAIMED <b>17 September 2002</b>

TITLE OF INVENTION

**DNA-TARGETED BENZOTRIAZINE 1,4-DIOXIDES AND THEIR USE IN CANCER THERAPY**

APPLICANT(S) FOR DO/EO/US

**BROWN et al**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
  2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
  3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below.
  4. ☐ The U.S. has been elected (Article 31).
  5. A copy of the International Application as filed (35 U.S.C. 371(c)(2).
    - a. ☐ is attached hereto (        pages specification, claims & abstract (        claims),        sheets drawings).
    - b. ☐ has been communicated by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(3)
    - a. ☐ is attached hereto (        pages specification, claims & abstract (        claims),        sheets drawings,        page Certificate of Translation).
    - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
  7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)
    - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
    - b. ☐ have been communicated by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
    - d. ☐ have not been made and will not be made.
  8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3).
  9.
    - a. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4).
    - b. ☐ Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (        page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).
  10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5).
- Items 11 To 20 below concern document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
  12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
  13.
    - a. ☐ A FIRST preliminary amendment.
    - b. ☐ A SECOND or SUBSEQUENT preliminary amendment.
  14. ☐ An Application Data Sheet under 37 C.F.R. § 1.76.
  15. ☐ A substitute specification.
  16. ☐ A change of power of attorney and/or address letter.
  17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
  18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
  19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
  20. ☒ Other items or information. Two Executed Exclusive Substitute Power of Attorney (4 pgs); Identification of Practitioners to be Recognized

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/528,156</b>				INTERNATIONAL APPLICATION NO. <b>PCT/NZ2003/000210</b>				ATTORNEY'S DOCKET NUMBER <b>4450-12</b>				
<input checked="" type="checkbox"/> The following fees are submitted:												
<b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b>												
21. <input type="checkbox"/> Basic national fee .....		\$300.00 (1631)/\$150.00 (2631)						\$	0.00			
22. <input type="checkbox"/> Examination Fee.....		\$0 (1643/2643)						\$	0.00			
23. <input type="checkbox"/> Search Fee .....		\$200.00 (1633)/\$100.00 (2633)										
		\$100 (1641)/\$50 (2641)										
		\$400 (1642)/\$200 (2642)										
		\$500.00 (1632)/\$250.00 (2632)						\$	0.00			
<b>TOTAL OF ABOVE CALCULATIONS</b>										\$	0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.												
Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof (round up to a whole number)		RATE						
140 -100		40 /50 =		0.80		\$250.00 (1681)		\$	0.00			
						\$125.00 (2681)						
Surcharge of \$130.00 (1617)/\$65.00 (2617) for furnishing the oath or declaration later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).										\$	0.00	
CLAIMS		NUMBER FILED		# EXTRA		RATE						
Total Claims		67		minus 67 =		0 X \$50.00 (1615)/ \$25.00 (2615)		\$	0.00			
Independent Claims		6		minus 6 =		0 X \$200.00 (1614) \$100.00 (2614)		\$	0.00			
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)						\$360.00 (1616)/\$180.00 (2616)		\$	0.00			
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s): One Month Extension \$120.00 (1251)/\$60.00 (2251); Two Month Extensions \$450.00 (1252)/\$225.00 (2252); Three Month Extensions \$1020.00 (1253)/\$510.00 (2253); Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)										\$	0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.												
Processing fee of \$130.00 (1618), for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).											0.00	
<b>TOTAL NATIONAL FEE =</b>										\$	<b>0.00</b>	
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 (8021) per property										\$	40.00	
Fee for Petition to Revive Unintentionally Abandoned Application: \$1500.00 (1453) / \$750.00 (2453)										\$	0.00	
<b>TOTAL FEES ENCLOSED =</b>										\$	<b>40.00</b>	
										Amount to be refunded:	\$	
										Amount to be Charged:	\$	

- a. ☒ A check in the amount of \$40.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 14-1140 in the amount of \$\_\_\_\_\_ to cover the above fees.  
A duplicate copy of this form is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.
- d. ☐ **CREDIT CARD PAYMENT FORM ATTACHED.**
- e. ☒ The entire content of International Application No. **PCT/NZ2003/000210** and any U.S. and foreign application(s) corresponding thereto, and 521436, referred to in this application is/are hereby incorporated by reference in this application.

**OTE:** Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the application to pending status.

**CORRESPONDENCE ADDRESS**

Direct all correspondence to:

☒ **Customer Number:**

**23117**

*Type Customer Number here*

Telephone: (703) 816-4000

LCM:lfm

**Leonard C. Mitchard**

NAME

**29,009**

REGISTRATION NUMBER

**August 17, 2005**

Date

**COPY**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8

In re Patent Application of

BROWN et al

Serial No. 10/528,156

Filed: March 17, 2005

Atty. Ref.: 4450-12

TC/A.U.: Unassigned

Examiner: Unassigned

For: DNA-TARGETED BENZOTRIAZINE 1,4-DIOXIDES AND THEIR  
USE IN CANCER THERAPY

\* \* \* \* \*

October 21, 2005

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. § 371**

Responsive to the Notification of Missing Requirements mailed August 31, 2005 (a copy of which is attached), it is respectfully submitted that the executed Declaration was filed on August 17, 2005. A copy of the declaration, Power of Attorney, Identification of Practitioners to be Recognized as filed, and copy of a PTO mail room date-stamped postcard acknowledging receipt of the executed Declaration are attached. Confirmation of receipt of the executed Declaration is respectfully requested.

The Notification also requests a separate sequence listing. Applicants respectfully submit that the present application does not contain a separate sequence listing. Therefore, Applicants respectfully request that the sequence listing requirement be withdrawn.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

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## UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO 21 OCT 2005

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/528,156	Martin J Brown	4450-12

INTERNATIONAL APPLICATION NO.	
PCT/NZ03/00210	
LA. FILING DATE	PRIORITY DATE
09/17/2003	09/17/2002

23117  
 NIXON & VANDERHYE, PC  
 901 NORTH GLEBE ROAD, 11TH FLOOR  
 ARLINGTON, VA 22203

CONFIRMATION NO. 6375  
 371 FORMALITIES LETTER  
 \*OC000000016883446\*  
 \*OC000000016883446\*

Date Mailed: 08/31/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/17/2005
- Copy of the International Search Report filed on 03/17/2005
- Copy of IPE Report filed on 03/17/2005
- Preliminary Amendments filed on 03/17/2005
- Information Disclosure Statements filed on 03/17/2005
- Request for Immediate Examination filed on 03/17/2005
- Copy of references cited in ISR filed on 03/17/2005
- U.S. Basic National Fees filed on 03/17/2005
- Priority Documents filed on 03/17/2005
- Specification filed on 03/17/2005
- Claims filed on 03/17/2005
- Abstracts filed on 03/17/2005

DOCKETED

CLT/MATTER # 4450-12  
 MAIL DATE 8/31/05  
 DUE DATE Oct 31 2005  
 FINAL DEADLINE Nov 31 2006  
 DOCKETED BY TJH/BTB

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date

is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/528,156	PCT/NZ03/00210	4450-12

Rec'd PCT/PTO 21 OCT 2005

Serial No.: 10/528,156 C#/M#: 4450-12  
Inventor/s: BROWN et al Atty: Leonard C. Mitchard  
Title: DNA-TARGETED BENZOTRIAZINE 1,4-DIOXIDES  
AND THEIR USE IN CANCER THERAPY Date: August 17, 2005

- ☐ Address Indication Form  
☒ Declaration (4 Pages)  
☒ Assignment (6 Pages) Including Cover

\$ Fee (Check) - Pre-Bill  
\$40.00 Fee (Check) - Non Pre-Bill

**\$40.00 = Total Fee Enclosed**

**Other: Form PTO-1390; Two Executed Substitute  
Power of Attorney (4 pgs); Identification of Practitioners  
to be Recognized**

